

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

01 COMMUNIQUE LABORATORY, INC.,

Plaintiff,

vs.

LOGMEIN, INC.,

Defendant.

Civil Action No. 1:10-cv-01007-CMH-TRJ

**DECLARATION OF LESLIE PEARLSON IN SUPPORT OF LOGMEIN, INC.’S  
OPPOSITION TO PLAINTIFF’S RENEWED MOTION FOR SUMMARY JUDGMENT  
OF NO INEQUITABLE CONDUCT IN LIGHT OF THE FEDERAL CIRCUIT’S  
THERASENSE DECISION**

I, Leslie Pearlson, declare:

1. I am a senior associate at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendant LogMeIn, Inc. (“LogMeIn”) in this matter. I am a member of the bars of the Commonwealth of Massachusetts and the District of Columbia and am admitted to practice *pro hac vice* before this Court. I submit this Declaration in support of LogMeIn’s Opposition to Plaintiff’s Renewed Motion for Summary Judgment of No Inequitable Conduct in light the Federal Circuit’s Therasense Decision of U.S. Court of Appeals Ruling. I make this Declaration of my own personal knowledge and could and would testify to the facts contained in this Declaration.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of the Expert

Report of Dr. Bhattacharjee Regarding Invalidity, dated January 7, 2011.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the Reply Expert Report of Dr. Bhattacharjee Regarding Invalidity, dated February 14, 2011.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of the Supplemental Expert Report of Dr. Bhattacharjee Regarding Invalidity, dated December 13, 2012.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of the Expert Report of Stephen Kunin, dated January 7, 2011.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the First Supplemental Expert Report of Stephen Kunin, dated February 14, 2011.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Second Supplemental Expert Report of Stephen Kunin, dated December 14, 2012.

8. Attached hereto as Exhibit 7 is a true and correct copy of 01 Communique Laboratory, Inc.'s Annual Information Form For the Fiscal Year Ended October 31, 2012, dated December 14, 2012.

9. Attached hereto as Exhibit 8 is a true and correct copy of the Complaint filed in *01 Communique Laboratory, Inc. v. Citrix Systems, Inc.*, No. 1:06-cv-00253-SL (N.D. Ohio).

10. Attached hereto as Exhibit 9 is a true and correct copy of the Complaint filed in *Accolade Sys. LLC v. 01 Communique Laboratory, Inc.*, No. 6:07-cv-047 (E.D. Tex.).

11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the

Deposition Transcript of Andrew Cheung, dated February 20, 2011.

12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts of Expert Report of Harry F. Manbeck, Jr., dated February 4, 2011.

13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the Deposition Transcript Kenneth J. Sheehan, dated February 10, 2011.

14. Attached hereto as Exhibit 13 is a true and correct copy of the Settlement Agreement entered into by 01 Communique Laboratory, Inc. and Accolade Sys. LLC., dated December 17, 2007.

15. Attached hereto as Exhibit 14 is a true and correct copy of 01 Communique Laboratory, Inc. Financial Projections for the period ended February 28, 2012, dated September 5, 2012.

16. Attached hereto as Exhibit 15 is a true and correct copy of the Action Closing Prosecution (37 CFR 1.949), dated August 19, 2009.

17. Attached hereto as Exhibit 16 is a true and correct copy of the Right of Appeal Notice, dated July 6, 2012.

18. Attached hereto as Exhibit 17 is a true and correct copy of the Opposition Expert Report of Dr. Gregory Ganger, dated February 4, 2011.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 7, 2013 in Boston, Massachusetts.

\_\_\_\_\_/s/\_\_\_\_\_  
Leslie Pearlson